

EXHIBIT 2

Volume I
Pages 1 to 271
Exhibits 1 to 24

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

- - - - -x
:
EMMANUEL THIERSAINT, :
:
Plaintiff, :
:
vs. : Civil Action
:
DEPARTMENT OF HOMELAND : No.
SECURITY; U.S. IMMIGRATION : 18-cv-12406-DJC
AND CUSTOMS ENFORCEMENT; :
WILLIAM CHAMBERS, in his :
individual capacity; JOHN DOE :
DEFENDANTS 1-10; unknown ICE :
Agents, in their individual :
capacities; SUFFOLK COUNTY :
SHERIFF'S DEPARTMENT; JOHN :
DOE DEFENDANTS 11-16, unknown :
officers of the Suffolk :
County Sheriff's Department :
in their individual :
capacities; and UNITED STATES :
OF AMERICA, :
Defendants. :
:
- - - - -x

DEPOSITION OF EMMANUEL THIERSAINT, a
witness called by the Defendants Department of
Homeland Security, U.S. Immigration and Customs
Enforcement, William Chambers and the United States
of America, taken pursuant to Rule 30 of the Federal
Rules of Civil Procedure, before Anne H. Bohan,
Registered Diplomat Reporter and Notary Public in
and for the Commonwealth of Massachusetts, on
Friday, January 22, 2021 commencing at 9:03 a.m.

(ALL PARTICIPANTS ATTENDED VIRTUALLY BY ZOOM
TELECONFERENCING)

PRESENT:

Jerome N. Frank Legal Services Organization
(By Muneer I. Ahmad, Esq.,
Supervising Attorney,
Kshithij Shrinath, JD Candidate,
Derrick Rice, JD Candidate,
Julia Geiger, JD Candidate,
Rebecca Steele, JD Candidate and
Kathleen Olds, JD Candidate)
127 Wall Street
New Haven, CT 06511
203.432.4716 ~ Fax 203.432.1426
muneer.ahmad@ylsclinics.org
kshithij.shrinath@ylsclinics.org
derrick.rice@ylsclinics.org
julia.geiger@ylsclinics.org
rebecca.steele@ylsclinics.org
kathleen.olds@ylsclinics.org
for the Plaintiff.

United States Attorney's Office
(By Eve A. Piemonte, Assistant U.S.
Attorney)
John J. Moakley U.S. Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
617.748.3369
eve.piemonte@usdoj.gov
for Department of Homeland Security,
U.S. Immigration and Customs Enforcement,
William Chambers and United States of
America.

Suffolk County Sheriff's Department
(by Melissa J. Garand, Assistant General
Counsel)
200 Nashua Street
Boston, MA 02114
617.704.6680 ~ Fax 617.704.6692
mgarand@scsdma.org
for the Department.

ALSO PRESENT: Suzanne Travis
Andrew Bowes
John Bellflower

I N D E X

| | | | | |
|----------------|---------------|--------------|-----------------|----------------|
| <u>WITNESS</u> | <u>DIRECT</u> | <u>CROSS</u> | <u>REDIRECT</u> | <u>RECROSS</u> |
|----------------|---------------|--------------|-----------------|----------------|

EMMANUEL THIERSAINT

BY MS. PIEMONTE 8

BY MS. GARAND 203

* * * *

E X H I B I T S

| | | |
|------------|---|-------------|
| <u>NO.</u> | <u>DESCRIPTION</u> | <u>PAGE</u> |
| Exhibit 1 | Complaint for Compensatory, Injunctive, and Declaratory Relief | 44 |
| Exhibit 2 | Plaintiff Emmanuel Thiersaint's Answers to the Government's First Set of Interrogatories | 151 |
| Exhibit 3 | Plaintiff Emmanuel Thiersaint's Answers to William Chambers' First Set of Interrogatories | 154 |
| Exhibit 4 | Respondent's Declaration in Support of Motion to Reopen His Removal Order | 156 |
| Exhibit 5 | Declaration of Emmanuel Thiersaint in Support of his Motion to Reopen and Motion for Emergency Stay of Removal | 158 |
| Exhibit 6 | ICE document headed "Detainee Request to ICE" re Emmanuel Thiersaint dated 3/25/16 | 165 |

| | | | |
|----|------------------------------------|---------------------------------|-------------|
| 1 | <u>E X H I B I T S</u> , Continued | | |
| 2 | <u>NO.</u> | <u>DESCRIPTION</u> | <u>PAGE</u> |
| 3 | Exhibit 7 | LaSalle Detention Facility | 168 |
| 4 | | Detainee Request Form re | |
| 5 | | Emmanuel Thiersaint dated | |
| 6 | | 3/2/2016 | |
| 7 | Exhibit 8 | Document headed "eMAR Record" | 177 |
| 8 | | being for Emmanuel Thiersaint | |
| 9 | | printed on 12/9/2016 | |
| 10 | Exhibit 9 | Document entitled "Medical | 179 |
| 11 | | Summary of Federal | |
| 12 | | Prisoner/Alien in Transit" form | |
| 13 | | from Franklin County House of | |
| 14 | | Correction to Suffolk County | |
| 15 | | dated 2/17/16 | |
| 16 | Exhibit 10 | NaphCare document headed "Drug | 177 |
| 17 | | Orders -- Thiersaint, Emmanuel | |
| 18 | | 1600930" | |
| 19 | Exhibit 11 | Krome Clinic document headed | 184 |
| 20 | | "Medication Administration | |
| 21 | | Record" | |
| 22 | Exhibit 12 | Document entitled "NaphCare | 185 |
| 23 | | Medical Department Sick Call | |
| 24 | | Request -- Managed by TechCare" | |
| | | dated 3/25/16 | |
| | Exhibit 13 | Document headed "NaphCare Sick | 189 |
| | | Calls -- Thiersaint, Emmanuel | |
| | | 1600930" | |
| | Exhibit 14 | Franklin County Sheriff's | 191 |
| | | Office document entitled "Sick | |
| | | Call/Medical Request" dated | |
| | | 2/15/16 | |
| | Exhibit 15 | U.S. ICE document re Emmanuel | 193 |
| | | Thiersaint dated 3/18/2016 | |

| | | | |
|----|------------------------------------|---------------------------------|-------------|
| 1 | <u>E X H I B I T S</u> , Continued | | |
| 2 | <u>NO.</u> | <u>DESCRIPTION</u> | <u>PAGE</u> |
| 3 | Exhibit 16 | Hill Health Center medical | 206 |
| 4 | | record for Emmanuel Thiersaint | |
| | | dated 8/24/10 | |
| 5 | Exhibit 17 | Franklin County Sheriff's | 209 |
| 6 | | Office Interdisciplinary | |
| 7 | | Progress Notes for Emmanuel | |
| | | Thiersaint dated 1/13/10 | |
| 8 | Exhibit 18 | Hill Health Center/Behavioral | 211 |
| | | Health Division Medical | |
| 9 | | Management Note dated 7/5/11 | |
| 10 | Exhibit 19 | St. Vincent's Medical Center | 214 |
| 11 | | History and Physical Reports | |
| | | document dated 8/30/2014 | |
| 12 | Exhibit 20 | Plaintiff's Answers to Suffolk | 216 |
| 13 | | County Sheriff's Department's | |
| | | First Set of Interrogatories | |
| 14 | Exhibit 21 | UCONN Health Center Clinical | 218 |
| | | Record dated 1/28/16 | |
| 15 | Exhibit 22 | Franklin County House of | 223 |
| 16 | | Correction document headed | |
| 17 | | "Special Needs Notification" | |
| | | dated 2/5/16 | |
| 18 | Exhibit 23 | Document entitled "Suffolk | 228 |
| 19 | | County House of Correction | |
| | | Receipt of Inmate Guide Form" | |
| | | dated 2/18/16 | |
| 20 | Exhibit 24 | NaphCare document entitled | 232 |
| 21 | | "Mental Health Evaluation | |
| 22 | | Completed by Erika Marques, MHC | |
| | | on 3/24/2016" | |
| 23 | * * * * | | |
| 24 | | | |

1 P R O C E E D I N G S

2 MS. PIEMONTE: So, counsel, if we can just
3 review the usual stipulations so they are on the
4 record. All objections, except as to form, are
5 reserved until the time of trial. All motions to
6 strike are also reserved until the time of trial.
7 Would you like the witness to read and sign the
8 deposition transcript?

9 MR. SHRINATH: Yes.

10 MS. PIEMONTE: Would you like 30 days to do
11 so?

12 MR. SHRINATH: Yes.

13 MS. PIEMONTE: We will agree to waive the
14 notary for Mr. Thiersaint's signature. Is that
15 acceptable?

16 MR. SHRINATH: Yes.

17 MS. PIEMONTE: And all parties agree to
18 proceed under the usual stipulations?

19 MR. SHRINATH: Yes, from the Plaintiff.

20 MS. GARAND: Agreed on behalf of Suffolk
21 County.

22 MS. PIEMONTE: Additionally, I'd like to do
23 a short statement and ask the parties to agree at
24 the end of the statement to the proceeding in this

1 remote manner.

2 The parties stipulate pursuant to Federal
3 Rules of Civil Procedure 29 and 30 that this
4 deposition is being taken by remote means; that the
5 court reporter is not in the same room with the
6 witness; and the parties agree not to challenge the
7 validity of any oath administered by the court
8 reporter. The parties agree that nothing about this
9 remote deposition process will impair in any way the
10 use of the deposition as permitted by the Federal
11 Rules of Civil Procedure.

12 Do the parties agree to that?

13 MS. GARAND: Agreed on behalf of Suffolk
14 County Sheriff's Department.

15 MR. SHRINATH: Kshithij Shrinath on behalf
16 of the Plaintiff and I agree.

17 MS. PIEMONTE: Thank you. So the witness
18 has been sworn. I'm sorry, Ms. Bohan, I didn't
19 know, did you see a picture ID for Mr. Thiersaint?

20 THE REPORTER: Yes, I did.

21 MS. PIEMONTE: Sorry, I missed that part.

22

23

24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

EMMANUEL THIERSAINT

a witness called for examination by counsel for the Defendants Department of Homeland Security, U.S. Immigration and Customs Enforcement, William Chambers and the United States of America, having been satisfactorily identified by the production of his driver's license and being first duly sworn by the Notary Public, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. PIEMONTE:

Q. Good morning, Mr. Thiersaint. As you are aware, I represent the Federal Government and the Defendants in this action. I'm going to be asking you a number of questions today, and if you don't understand a question I ask, please tell me that you don't understand and I'll try to rephrase that. Okay?

A. Yes.

Q. I also ask that you please answer any questions verbally. If you nod your head or shrug your shoulders, the court reporter can't put that into a transcript, and so we'll ask that all of your responses today be verbal. Do you understand that?

1 Then he said, "Then you're going to have to
2 stay here, because there's no -- you won't be able
3 to -- there's no -- you won't be able to go in the
4 population." If I can't use the crutches, he won't
5 be able to put me in population.

6 Q. Did he tell you -- how many times did you
7 speak to Officer Chambers?

8 A. I speak to him -- I speak to him a few
9 times.

10 Q. A few times in February?

11 A. Only when he comes, when he comes, because
12 he don't come every day. Only when he comes.

13 Q. Did you speak to him every time he came?

14 A. When he comes I tried to talk to him, yes.

15 Q. Officer Chambers, when he visited Suffolk
16 County, would check in on you?

17 MR. SHRINATH: Objection.

18 A. He used to come to the hospital, and that's
19 when I asked him, "Come on, I need to -- I don't
20 want to be in seg 23 hours down and only get one
21 hour outside." And he kept denying, he kept saying,
22 "Well, you're only going to be here for a few days,"
23 this and that. And he said he's not going to put me
24 in population.

1 A. It was the doctor and him.

2 Q. And "him" meaning Officer Chambers?

3 A. Officer Chambers, yes.

4 Q. Did you do anything else to try to get
5 yourself moved from medical housing to general
6 population during that time?

7 A. I asked everybody, I asked anybody, because
8 I don't want to be 23 hours down. I was trying to
9 ask anybody. I talked to anybody, whoever, the COs,
10 whoever, trying to find a way to get out of there.
11 I asked the nurse. I asked the nurse, and they say,
12 "You have to wait for the doctor, you have to talk
13 to the doctor."

14 So I talked to Chambers about it, the ICE
15 officer, because it's like they have other inmates,
16 they're not ICE. I had a different suit. My suit
17 was like -- it was an ICE suit. So I asked anybody,
18 because I don't want to be 23 hours down. I wanted
19 to have recreation. I wanted to have commissary and
20 to be able to move around, move my legs and do
21 things, like everybody else was doing. The ICE, the
22 same thing, I wanted to have the same thing.

23 Q. Apart from your request to move to general
24 population, did you ever specifically ask Officer

1 Chambers to get you access to a law library?

2 A. Yes.

3 Q. How did you do that?

4 A. I asked him, I said, "I need to build my
5 case. I need to be able to see cases like me to
6 then be able to see -- be able to read cases, be
7 able to see what's going on. And he denied me.

8 Q. And this was all verbal?

9 MR. SHRINATH: Objection.

10 Q. Did he deny you access to the law library
11 or to general population?

12 A. The law library.

13 MR. SHRINATH: Objection.

14 A. The gen population.

15 Q. Both?

16 A. Yes.

17 Q. So it's your testimony that you
18 specifically asked Officer Chambers to get you
19 access to the law library, correct?

20 MR. SHRINATH: Objection.

21 A. To population, to the law library, yes.

22 Q. I'm sorry, Mr. Thiersaint, I need to be
23 clear. What is it --

24 A. The population, it's to the population, and

1 A. I don't remember if I did.

2 Q. You didn't fill out an ICE detainee request
3 seeking access to computers, did you?

4 MR. SHRINATH: Objection.

5 A. I don't remember.

6 Q. You're familiar with submission of ICE
7 detainee requests, right?

8 MR. SHRINATH: Objection.

9 A. Yes.

10 Q. In fact, you had submitted one before to
11 Officer Chambers, right?

12 MR. SHRINATH: Objection.

13 A. I don't remember.

14 Q. In the medical housing unit you were able
15 to shower, correct?

16 A. I was able to shower when I get out -- when
17 I get out of that cell, when I get my only one hour,
18 that's when I was able to take a shower. Every time
19 I take a shower, the whole hour was already -- the
20 whole hour was gone.

21 Q. So were you not able to access the law
22 library because you took that time to shower?

23 MR. SHRINATH: Objection.

24 A. No. I had an hour, and that's the hour I

1 he comes. When he comes, he doesn't come every day.
2 Every time he comes there, when I get to see him, I
3 asked him about my medication. I asked him about my
4 medication. I asked him about the commissary. I
5 asked him about the public library. He denied me
6 all that stuff.

7 Q. When you say he denied you, what do you
8 mean?

9 A. He said no. He said you can't use no -- he
10 just said no.

11 Q. So is it your testimony that Officer
12 Chambers told you you could not have your
13 medication?

14 MR. SHRINATH: Objection.

15 A. Well, when I talked to the doctor, when I
16 talked to the nurse, they said they don't give you
17 that type of medication. They don't give you
18 medication there, no psych meds there. They won't
19 give them to me.

20 Q. So the doctors and nurse told you you were
21 not going to get the medication that you were
22 requesting, correct?

23 A. Yes.

24 Q. Did Officer Chambers tell you you could not

1 have the medication you were requesting?

2 A. I asked him for my medication. He said
3 that -- he said, "Whatever they tell you, that's
4 what it is."

5 Q. So is it fair to say Officer Chambers said,
6 whatever the medical personnel you were speaking to
7 said, that was the answer with regard to your
8 medication, correct?

9 A. Yes.

10 Q. During any -- during your first -- during
11 your time in the Medical Housing Unit, did you have
12 the ability to make telephone calls?

13 A. When I seen him, he let me make a phone
14 call.

15 Q. Officer Chambers did?

16 A. Yes.

17 Q. Were you allowed to make calls other than
18 through Officer Chambers?

19 A. I also would have called my lawyers. I
20 also would have -- I also would have called my
21 lawyer.

22 Q. You've testified about several
23 conversations that you had with Officer Chambers
24 about being in medical housing rather than general

1 population. Have you testified to all of the
2 conversations you had with Officer Chambers about
3 your placement in medical housing?

4 MR. SHRINATH: Objection.

5 A. I asked him, I said, "What am I doing here?
6 What am I doing 23 hours down? I have to be in
7 population. I don't want to be here 23 hours down."
8 That's when he keeps telling me, "You got to use
9 crutches, you got to use crutches." And he was very
10 mean, he was very rude, and he didn't want to
11 answer. It's really like my words didn't mean
12 anything to him and I couldn't get to him. It was
13 really, like, harsh, it was like I was a nobody to
14 him.

15 Q. Are there any other conversations that you
16 can recall having with Officer Chambers in February
17 of 2016 while you were in medical housing?

18 A. Say that again.

19 Q. Any other conversations that you had with
20 Officer Chambers while you were in medical housing
21 in February of 2016?

22 MR. SHRINATH: Objection.

23 A. I don't remember.

24 Q. I'm sorry, what was your answer?

1 A. Yes.

2 Q. How did you get from Krome to the airport?

3 A. They had I don't know if it was a van or a
4 bus. I had to get up in the bus, ask for help to
5 get to -- because it was not equipped for disabled
6 people, for us, I mean for me with a wheelchair. So
7 I asked for help to get in, and they said that you
8 have to get in -- I think it was -- I don't remember
9 if it was a bus or a van. They say, "You have to
10 get in any way you can, it's going to be difficult
11 for you." So I had to find my way. I had to get in
12 my way.

13 So I scoot up from the steps, the bottom
14 steps, then turn my back to the steps, sit down and
15 do one step. When I get to my chair, I put my knee
16 down, stand up, and be able to sit down in the
17 chair.

18 Q. Do you have any memory of ICE officers
19 arriving at Krome with a handicap-accessible van to
20 bring you to the airport on March 17th?

21 A. There was no bus equipped for me. I always
22 wanted a bus that was equipped for me to feel safe,
23 to always be able to strap on and lift me up. But,
24 no.

1 A. Yeah, they did let me make some phone
2 calls, yes.

3 Q. I'm now going to show you the next document
4 that's been premarked, if I can, as Document No. 00.
5 It's taking a minute to load. Sorry about this,
6 folks. Here we go. Sorry about that delay.

7 I'm showing you what's been premarked as
8 Exhibit 00. Do you see this form?

9 A. Yes.

10 Q. It's titled "LaSalle Detention Facility
11 Detainee Request Form"; is that right?

12 A. Yes.

13 MS. PIEMONTE: If we could mark this as
14 Exhibit No. 7.

15 (Document marked as Thiersaint
16 Exhibit 7 for identification)

17 Q. Is this your handwriting, Mr. Thiersaint?

18 A. Yes.

19 Q. Can you tell me -- the date here is March
20 2nd, 2016. Do you see that?

21 A. Yes.

22 Q. Do you see the type of requests that you
23 could make on this form?

24 A. Yes, I see it.

1 Q. What are the things that you could request
2 on this form at LaSalle? Let me ask you this.

3 Could you make a request involving the mail?

4 A. The mail? Yes, I see "mail," yes.

5 Q. Could you make a request to ICE?

6 A. Yes.

7 Q. Could you make a request to use the law
8 library?

9 A. Yes.

10 Q. Could you make a request for all sorts of
11 things, including recreation or visitation or, in
12 this case, laundry?

13 A. This is at LaSalle?

14 Q. Yes.

15 A. That's Louisiana?

16 Q. Yes.

17 A. Louisiana. Yes. But when I was in
18 Louisiana, I wasn't going to be there for a long
19 time, I was to stay only for a couple of days. I
20 was to leave in a couple of days.

21 Q. In this case, you were requesting that you
22 didn't have enough boxers, towels, sheets, blankets
23 and socks?

24 A. Yes.

1 unit?

2 MR. SHRINATH: Objection.

3 A. I don't know if I filed a grievance, but I
4 did talk to anybody that I can. I was told to wait
5 for the doctor. I wait for the doctor. I talked to
6 anybody, the nurse, anybody I was able to talk to.
7 I talked to the CO. I don't want to be in the -- I
8 want to go to the population. I don't want to stay
9 in the hospital.

10 Q. But did you actually put anything in
11 writing?

12 MR. SHRINATH: Objection.

13 A. I don't remember.

14 Q. You don't remember if you put anything in
15 writing; you only remember that you spoke to people;
16 is that correct?

17 MR. SHRINATH: Objection.

18 A. I don't remember putting something in the
19 thing, putting something in.

20 Q. Can you repeat that, please. I didn't hear
21 it.

22 A. I don't remember putting something in, no,
23 I don't remember that. But I remember I talked to
24 anybody about the situation about me being in the

1 hospital. I don't want to be in the hospital.

2 Q. But you don't remember filing a grievance;
3 is that correct?

4 A. I don't remember, no.

5 Q. Did you file a sick slip stating that you
6 didn't want to be in the Medical Housing Unit?

7 A. I don't remember.

8 MR. SHRINATH: Objection.

9 Q. Did you file a grievance with ICE
10 indicating that you didn't want to be in the Medical
11 Housing Unit?

12 MR. SHRINATH: Objection.

13 A. Say that again.

14 Q. Did you file a grievance with ICE
15 indicating that you didn't want to be in the Medical
16 Housing Unit?

17 MR. SHRINATH: Objection.

18 A. I don't remember filing anything. I don't
19 remember.

20 Q. Other than the fact that you did not want
21 to be in the Medical Housing Unit, did you have any
22 other issues or concerns while you were there?

23 MR. SHRINATH: Objection.

24 A. Yes. 23 hours down and no T.V., no T.V. or